

REMARKS

Upon entry of this amendment, claim 1 is amended and claim 10 is added, leaving claims 1-10 pending. No new matter has been entered.

Claim 1 is rejected under 35 USC 112, second paragraph as lacking antecedent basis. As noted above, Claim 1 has been amended to overcome this rejection.

Claim 1 stands rejected under 35 USC 102(e) as anticipated by Goodson et al. (USPN 5,715,277). The rejection is respectfully traversed.

The method disclosed by Goodson includes steps that are executed each time a communication link is established. In other words, the step of determining and storing in memory an optional transmission rate for certain line parameters is executed each and every time a communication request is sent.

Claim 1 includes, among other things, a table, including at least one optimal transmission rate for each line parameter. This table is only created once, for example, the first time a communication is established over the respective line. During subsequent establishments of a communication link over the line, the current line parameters are measured and the optimal transmission rate for the specific line parameter is looked up in the originally created table. Such an improvement can allow the line parameters to be measured when a communication link is established, rather than testing the different transmission rates each time a communication is started.

Applicants therefore submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

Claims 2 and 4 stand rejected under 35 USC §103(a) as being unpatentable over Goodson in view of BROTHERS (2002/0016794).

Claim 3 stands rejected under 35 USC §103(a) as being unpatentable over Goodson and BROTHERS, and further in view of Zirwas (USPN 6,798,855).

Neither BROTHERS nor Zirwas overcome the deficiencies of Goodson. Therefore, Applicants submit that claim 1 and its dependent claims are allowable over the cited prior art.

New claim 10 is allowable for the reasons stated above. Moreover, claim 10 recites subject matter that further distances the claimed invention from the cited prior art.

Applicants appreciate the indication that claims 5-9 are allowable if rewritten in independent form to include any base and/or intervening claims.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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